

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

United States of America,

Plaintiff,

v.

Civil Action No.: 8:20-CV-1614 (TJM/DJS)

\$14,000 in U.S. Currency,

Defendant.

**VERIFIED COMPLAINT FOR FORFEITURE *IN REM***

The United States of America brings this verified complaint for forfeiture *in rem* against the above-captioned assets (the “defendant currency”) and alleges as follows:

**NATURE OF THE ACTION**

This is an action *in rem* brought pursuant to 21 U.S.C. § 881(a)(6) and Rule G of the Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Actions. Forfeiture is sought of the defendant currency as money furnished or intended to be furnished in exchange for a controlled substance and proceeds traceable to such an exchange, in violation of 21 U.S.C. § 841.

**THE PARTIES**

1. Plaintiff is the United States of America.
2. The defendant currency – \$14,000 in U.S. Currency – is in the custody of the United States.

**JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1345 and 1355.

4. This Court has *in rem* jurisdiction over the defendant currency pursuant to 28 U.S.C. § 1335(b).

5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1335 and 1339.

## FACTS

6. On July 1, 2020, a New York State Police Investigator observed a 2019 Dodge Charger, which was a rental vehicle, traveling through the Village of Malone, New York. Because the area is close to the international border with Canada and the Akwesasne Mohawk Indian Reservation, and drug traffickers frequently use rental cars to transport narcotics in this area, the Investigator attempted to follow the Charger to determine if it was involved in any suspicious activity. However, he lost sight of the Charger and could not follow it.

7. Approximately one hour later, two other New York State Police Investigators observed the Charger traveling west of Malone. This time, the Charger was traveling with a white Dodge Challenger and a white GMC Yukon XL Denali, which bore out of state license plates.

8. All three vehicles pulled into a residence in Westville, New York.

9. Investigators observed the Denali backed up to the garage of the residence with the back hatch of the Denali open. A short time later the Charger and the Denali departed the residence together.

10. A New York State Police Trooper initiated a traffic stop in the Town of Ellenburg, New York, after the Trooper observed the Denali speeding. As the Trooper approached the driver's side of the Denali, he immediately detected a strong odor of marijuana coming from the vehicle.

11. The driver of the Denali was identified as Keith Bass and the front seat passenger was Gerald Washington.

12. The Trooper advised Bass and Washington that he smelled marijuana and asked if there was anything illegal in the Denali. Bass responded "No."

13. A United States Border Patrol K-9 was on scene as the Denali was pulled over. The K-9 was trained in the detection of marijuana and its derivatives, cocaine and its derivatives, heroin and its derivatives, methamphetamine and its derivatives, ecstasy, and concealed humans. After sniffing the outside of the Denali, the K-9 alerted to the rear of the Denali and the trunk area.

14. Troopers searched the Denali and found two large black duffle bags containing approximately 28 pounds of marijuana in the trunk. They also found two loaded handguns in the center console, and five cellular phones. Neither handgun was registered, and one had been reported stolen in Philadelphia.

15. In addition to the marijuana, firearms, and cellular phones, the Troopers found in the Denali \$14,000 in U.S. currency. The cash was separated into two bags: a red bag on the driver side floorboard containing \$9,000.00, and a small white bag in the passenger glove compartment containing \$5,000. Within each bag, the cash was packaged in zip-loc-style plastic bags and folded into rubber-banded bundles of \$1,000. Investigators later found an additional \$625 in Washington's pocket.

16. Neither Bass nor Washington admitted the marijuana, the handguns, or the currency belonged to them, and they refused to sign receipts for these seized items.

17. Investigators obtained search warrants for the cellular phones found in the Denali. A forensic examination of one of the phones revealed a text message suggesting that the phone belonged to Bass. The examination also uncovered photographs saved on this phone depicting firearms, U.S. currency, and bulk quantities of marijuana.

18. In July 2020, both Washington and Bass were indicted in the Northern District of New York, United States District Court, for Possession with Intent to Distribute a Controlled Substance and Possession of a Firearm in Furtherance of a Drug Crime. (See *United States v. Washington*, Case No. 8:20-CR-185 (TJM)). Those charges remain pending.

19. Gerald Washington has previously been convicted of drug trafficking offenses in his home state of Massachusetts, including two convictions within the past five years for possession with intent to distribute cocaine, in violation of Massachusetts General Laws, Chapter 94C, Section 32A. Concurrently with his second drug trafficking conviction, Washington also pleaded guilty to unlawful possession of ammunition, in violation of Massachusetts General Laws, Chapter 269, Section 10(h)(1).

20. In October 2020, Bass filed an administrative claim for the defendant currency.

### **CONCLUSION**

21. The facts set forth above support a reasonable belief that the government will be able to meet its burden of proof at trial.

WHEREFORE, pursuant to Supplemental Rule G, plaintiff the United States of America, respectfully requests that the Court:

- (1) Issue a Warrant of Arrest *In Rem*, in the form submitted with this Complaint;
- (2) Direct any person having any claim to the defendant currency to file and serve their Verified Claims and Answers as required by 18 U.S.C. § 983(a)(4) and Supplemental Rule G;
- (3) Enter judgment declaring the defendant property to be forfeited and condemned to the use and benefit of the United States; and
- (4) Award such other and further relief to the United States as it deems proper and just.

Dated: December 28, 2020

ANTOINETTE T. BACON  
Acting United States Attorney

By: */s/ Shira Hoffman*  
Shira Hoffman  
Assistant United States Attorney  
Bar Roll No. 700507

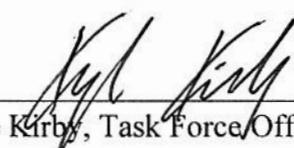
VERIFICATION

STATE OF NEW YORK )  
COUNTY OF CLINTON ) ss:  
                          )

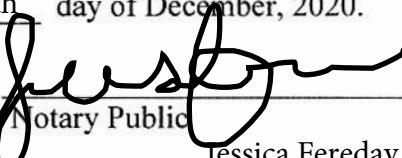
Kyle Kirby being duly sworn, deposes and states:

I am a Task Force Officer with the Drug Enforcement Administration. I have read the foregoing Complaint for Forfeiture *In Rem* and assert that the facts contained therein are true to the best of my knowledge and belief, based upon knowledge possessed by me and/or on information received from other law enforcement officers.

Dated this 28<sup>th</sup> day of December, 2020.

  
\_\_\_\_\_  
Kyle Kirby, Task Force Officer  
Drug Enforcement Administration

Sworn to and subscribed before me this 28th day of December, 2020.

  
\_\_\_\_\_  
Notary Public  
\_\_\_\_\_  
Jessica Fereday

Notary Public, State of New York  
Qualified in Rensselaer County  
Commission Expires January 8, 2023

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff Clinton  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)  
Shira Hoffman, Assistant U.S. Attorney (518) 314-7800  
United States Attorney's Office, 14 Durkee Street,  
Plattsburgh, New York 12901

DEFENDANTS  
\$14,000 in U.S. Currency

County of Residence of First Listed Defendant Clinton  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	<input type="checkbox"/> PTF 1	<input type="checkbox"/> DEF 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> PTF 4	<input type="checkbox"/> DEF 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Personal Injury	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 400 Trademark	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 862 Black Lung (923)
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 863 DIWC/DIW (405(g))
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<b>Habeas Corpus:</b>	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<b>FEDERAL TAX SUITS</b>	<b>FEDERAL TAX SUITS</b>
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 871 IRS—Third Party	<input type="checkbox"/> 871 IRS—Third Party
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights	26 USC 7609	26 USC 7609
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition		
			<b>IMMIGRATION</b>	
			<input type="checkbox"/> 462 Naturalization Application	
			<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee	
			<input type="checkbox"/> 465 Other Immigration Actions	

## V. ORIGIN

(Place an "X" in One Box Only)

<input type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
**21USC 881**

## VI. CAUSE OF ACTION

Brief description of cause:

## VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

## DEMAND \$

CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE McAvoyDOCKET NUMBER 20-CR-185

DATE

SIGNATURE OF ATTORNEY OF RECORD

12/28/2020

s/Shira Hoffman

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

Waived

APPLYING IFP

JUDGE

TJM

MAG. JUDGE

DJS